IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 19851 of 2007(L)

PETITIONER:

NADUVANNUR REGIONAL CO-OPERATIVE BANK LTD.NO.F 1269, NADUVANNUR P.O., KOZHIKODE REP. BY ITS SECRETARY.

BY ADV. SRI.P.P.JACOB
SRI.B.MANIMOHAN

RESPONDENTS:

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1. **THE REGISTRAR OF CO-OPERATIVE SOCIETIES THIRUVANANTHAPURAM.**

2. **MINISTER FOR CO-OPERATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

3. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G), KOZHIKODE.**

4. **THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (G), QUILANDI.**

BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 19851 OF 2007 L

Dated this the 17th July, 2007

JUDGMENT

Petitioner challenges Exts.P6 and P7. Case of the petitioner, in brief, is as follows:

Petitioner is a Co-operative Bank. The Committee was armed with power on 16.8.2004. Action was taken on the basis of a complaint. Second respondent (Minister for Co-operation) entertained the complaint of the Member and directed the Registrar to conduct an enquiry. The Registrar in turn forwarded the matter to the Joint Registrar. It is stated that simultaneously, at the instance of the second respondent, third respondent authorised the fourth respondent to conduct an inspection. It is stated that it is contrary to law and the provisions of the Act. There was an earlier Writ Petition and that was disposed of recording the submission of the Government Pleader that there is no intention to proceed any further. It is contrary to that, Exts.P6 and P7 are issued, submits

the petitioner. In Ext.P6 fourth respondent was appointed as the Enquiry Officer and again in Ext.P7 it is stated that the enquiry ordered is under Section 65 of the Kerala Co-operative Societies Act. Of course, the learned counsel for petitioner would contend that under Section 65 or 66, the Officer concerned has to be satisfied of the existence of a need for taking action under the said provision. He also submits that the petitioner is entitled to get consideration of its objections to the Report. On a perusal of Exts.P6 and P7, I do not think that this Court need interfere in this matter. All that I need make clear that the fourth respondent is duty bound to proceed strictly in accordance with law in the matter of conducting the enquiry.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

kbk.